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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Application Number	09/663,250
Filing Date	09/15/2000
First Named Inventor	David G. Matsuura
Group Art Unit	3731
Examiner Name	Daniel Davis
Total Number of Pages in This Submission	015US1
Attorney Docket Number	

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	

- |  |
|--|
| <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Status Letter   |
| <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |

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Postcard AUG 19 2002

TECHNOLOGY CENTER 28700

Amendment/Reply is a "Response to Restriction Requirement" under 37 CFR 1.143 (8 pages).

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jonathan D. Spangler, Esq.
Signature	
Date	08/08/2002

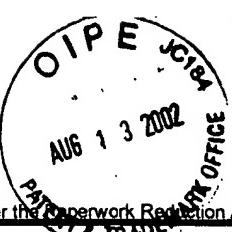
## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

August 8, 2002

Typed or printed name	Michael Mancuso
Signature	
Date	08/08/2002

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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
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# **FEE TRANSMITTAL for FY 2002**

Patent fees are subject to annual revision.

<b>TOTAL AMOUNT OF PAYMENT</b>	(\$)	55.00
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<b>Complete if Known</b>	
Application Number	09/663,250
Filing Date	09/15/2000
First Named Inventor	David G. Matsuura
Examiner Name	Daniel J. Davis
Group Art Unit	3731
Attorney Docket No.	015US1

### **METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

**50-2040**

Deposit Account Number

**NUVasive, Inc.**

Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

### **FEES CALCULATION**

#### **1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee

**SUBTOTAL (1) (\$)**

#### **2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=
Multiple Dependent	- 3** =	X	=

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description
103	18	203	9
102	84	202	42
104	280	204	140
109	84	209	42
110	18	210	9

**SUBTOTAL (2) (\$)**

\*or number previously paid, if greater. For Reissues, see above

### **FEES CALCULATION (continued)**

#### **3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	
105	130	205	65
127	50	227	25
139	130	139	130
147	2,520	147	2,520
112	920*	112	920*
113	1,840*	113	1,840*
115	110	215	55
116	400	216	200
117	920	217	460
118	1,440	218	720
128	1,960	228	980
119	320	219	160
120	320	220	160
121	280	221	140
138	1,510	138	1,510
140	110	240	55
141	1,280	241	640
142	1,280	242	640
143	460	243	230
144	620	244	310
122	130	122	130
123	50	123	50
126	180	126	180
581	40	581	40
146	740	246	370
149	740	249	370
179	740	279	370
169	900	169	900
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

**55.00**

AUG 19 2002

### **SUBMITTED BY**

Name (Print/Type)	Jonathan D. Spangler	Registration No. (Attorney/Agent)	40,182	Telephone	858-243-0029
Signature				Date	08/08/2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of )  
David G. Matsuura et al. ) Group Art Unit: 3731  
App. Ser. No. 09/663,250 )  
Filed: September 15, 2000 ) Examiner: Daniel J. Davis  
For: ANNULOTOMY CLOSURE )  
DEVICE )  
)

8.28.02  
#7/a  
Elect

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patent, Washington, D.C. on this date:

Date: Aug. 8, 2002

Signature:

Printed Name: Michael Mancuso

**RESPONSE TO RESTRICTION REQUIREMENT**  
**UNDER 37 C.F.R. 1.143** RECEIVED

AUG 19 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

Dear Sir:

In response to the restriction requirement mailed June 12, 2002, having a shortened statutory period for response which expired July 12, 2002, Applicants hereby traverse the requirement with respect to Groups I (Claims 1-15) and II (Claims 16-29) and provisionally elect Group I (Claims 1-15) under 37 C.F.R. 1.143 for prosecution on the merits, as well as newly added Claims 39-41. In addition, Applicants request that the claims be amended as follows: